

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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UNITED STATES OF AMERICA)

v.)

(4) ANDREY BUYNOVSKIY,)
Defendant.)

Criminal No. 02-30043-MAP

2005 MAY 20 10 2:21
U.S. DISTRICT COURT
DISTRICT OF MASS

Government's Supplemental Filing re:
Andrey Buynovskiy's Motion to Suppress

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully submits this supplemental filing concerning Andrey Buynovskiy's motion to suppress his post-arrest statements.

Accompanying this document are copies of two tape recordings of conversations between Andrey Buynovskiy and Carlos Ortiz on June 29, 2001, and July 2, 2001. Mr. Ortiz is a cooperating witness who spoke with Mr. Buynovskiy during the investigation of this case.

The June 29th recording is of a brief phone call. The July 2nd recording is of a much longer face to face meeting.

Also accompanying this document are draft transcripts of the two conversations. The June 29th recording has been cued to begin where the conversation between Mr. Buynovskiy and Mr. Ortiz begins in the middle of page 1 of the draft transcript. The July 2nd recording has been cued to begin where the conversation between Mr. Buynovskiy and Mr. Ortiz begins at the top of page 4 of the draft transcript.

The government believes that Mr. Buynovskiy's conversations with Mr. Ortiz in English demonstrate that Mr. Buynovskiy had a sufficient facility with the English language to understand and waive his Miranda rights as they were administered to him by Special Agent Burns on January 28, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

by: Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney

Date: May 20, 2005

Certificate of Service

May 20, 2005

I certify that I have caused a copy of the foregoing document to be mailed to counsel for all of the defendants. Copies of the two tape recordings and draft transcripts referenced in the foregoing document also are being sent to counsel for Andrey Buynovskiy.

Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney